

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GABRIEL CHALEPLIS, et al.,	:	CIVIL ACTION
	:	NO. 21-1492
Plaintiffs,	:	
v.	:	
	:	
MICHAEL KARLOUTSOS, et al.,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this **18th** day of **April, 2023**, after considering Plaintiffs' Motion to Dismiss and Strike the Rodgers Defendants' Counterclaim (ECF No. 84), and any responses thereto, it is hereby **ORDERED** that Plaintiff's Motion to Dismiss and Strike the Rodgers Defendants' Counterclaim is **GRANTED** in part and **DENIED** in part as follows:

1. Counts I, III (as to legal accounting only), V, and VI of the Counterclaim (ECF No. 81) are **DISMISSED without prejudice** and with leave to amend. Counts II and III (as to equitable accounting only) of the Counterclaim are **DISMISSED with prejudice** and without leave to amend.
2. Paragraphs 21, 25, 26, 35-37, 39-48, 50-52, 54, 60, 65, 68, 69, 73, 101, 106, 107, and 111 are **STRICKEN** pursuant to Fed. R. Civ. P. 12(f).

3. The Rodgers Defendants may file an amended counterclaim or a statement that they plan to stand on the counterclaim by **May 8, 2023**. Failure to act by **May 8, 2023** will be deemed a decision by the Rodgers Defendants that they wish to stand on the counterclaim. If the Rodgers Defendants advise the Court that they will stand on the counterclaim or fail to so respond by **May 8, 2023**, the Court will dismiss the counterclaim with prejudice due to the Rodgers Defendants' failure to state a claim upon which relief can be granted.

**AND IT IS SO ORDERED.**

*Eduardo C. Robreno*

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EDUARDO C. ROBRENO, J.